

COASTAL CONSERVANCY

Staff Recommendation

February 3, 2006

MOAT CREEK/ROSS CREEK PUBLIC ACCESS MANAGEMENT

File No. 97-015

Project Manager: Steve Horn

RECOMMENDED ACTION: Authorization to disburse up to \$10,000 to the Moat Creek Managing Agency for operation, maintenance and management of the Moat Creek and Ross Creek shoreline access sites and associated lateral trails.

LOCATION: Approximately two miles south of the City of Point Arena, Mendocino County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location

Exhibit 2: Site Map indicating Subject Properties

Exhibit 3: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed ten thousand dollars (\$10,000) to the Moat Creek Managing Agency for operation, maintenance and management of the Moat Creek and Ross Creek public shoreline access sites and associated lateral trails.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project to authorize funds to the Moat Creek Managing Agency to operate, maintain and manage public shoreline access areas is consistent with Public Resources Code Sections 31400 through 31400.3.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

3. The Moat Creek Managing Agency is a private nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, whose principal charitable purposes - - the preservation of and promotion of access to public lands and tidelands - - are consistent with Division 21 of the Public Resources Code
 4. The project serves greater than local needs.”
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PROJECT SUMMARY:

The Moat Creek Managing Agency (MCMA) manages the Moat Creek and Ross Creek public access sites owned by the Coastal Conservancy, as well as several trail segments lateral to the shoreline. In 1998 the Conservancy entered into a management agreement for these areas with MCMA, as well as providing grant funds to MCMA for the construction of trail improvements and signing. MCMA is a local community group that was incorporated specifically for the purpose of managing these areas as a resource for visitors and local residents, and it has been doing so without significant incident and using local financial contributions and volunteer services. MCMA has also entered into an agreement with the Conservancy pursuant to Government Code Section 831.5 by which it has agreed to provide nondiscriminatory public access over these properties, consistent with the protection of natural resources, public safety and private rights.

Staff recommends that the Conservancy provide a small grant to MCMA to cover the principal costs of operating these public recreation sites, including contracting for garbage removal, seasonal vegetation clearance, septic pump-out, and repair of the fencing, signs and other facilities. MCMA will continue to provide significant volunteer labor associated with operation and management of the sites. The recommended grant of \$10,000 would provide for most of the direct costs of operation for a period of at least two years.

Site Description: The Moat Creek and Ross Creek public access sites include approximately three acres owned in fee by the Conservancy adjacent to the shoreline at Moat Creek, a conservation easement over approximately two acres at Ross Creek including a “vertical” public access trail, a blufftop trail extending south from Moat Creek approximately one-half mile, and a trail between Ross Creek and Moat Creek parallel to Highway 1. All of these areas are currently open and signed for public use, including a parking area at Moat Creek that will accommodate approximately fifteen automobiles. Adjacent to the Moat Creek parking area is a public restroom with septic disposal. During the summer months and during abalone fishing season these areas are in very heavy use, and the site is known to provide a significant surfing “break”.

Project History: The Conservancy acquired the subject properties as part of the Whiskey Shoals Lot Consolidation project, under which 65 existing substandard subdivided lots were purchased by the Conservancy and resold for private development of not more than 13 homes. As part of that project the Conservancy retained several conservation and trail easements, as well as fee ownership of both the Moat Creek beach access area and some small parcels with significant archeological and scenic resources. The Conservancy has worked with local conservation groups in the Point Arena community to design, improve and manage the public access facilities on these properties. Local groups have managed the access sites since 1989, including use of Conservancy grant funds for construction of the parking area and restroom.

PROJECT FINANCING:

Coastal Conservancy	<u>\$10,000</u>
Total Project Cost	\$10,000

This project would be funded from the Coastal Access Account in the Coastal Conservancy Fund. Pursuant to Public Resources Code section 30620(c)(2), these funds are appropriated to the Conservancy “. . . for grants to public agencies and nonprofit organizations for the development, maintenance and operation of new or existing facilities that provide public access to the shoreline . . . “.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The Conservancy is authorized by Public Resources Code Section 31400.1 to “award grants to any public agency or nonprofit organization . . . to develop, operate, or manage lands for public access purposes to and along the coast,” if the public accessways will serve more than local public needs.

The Moat Creek and Ross Creek beaches include unique recreational resources - - surfing breaks and abalone beds - - which attract a substantial number of visitors to these access areas from outside of the local community. In its 1998 action approving the MCMA management agreement, the Conservancy noted that the site draws visitors from throughout the Sonoma/Mendocino County region as well as tourists driving the Highway 1 scenic corridor. Consequently the Conservancy found in 1998 that “these accessways serve greater-than-local needs.” Since that time, tourism has only increased with greater public awareness of these sites, and thus there is no reason to change the 1998 finding.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOALS & OBJECTIVES:**

Goal 2 of the 2003 Strategic Plan (“Develop a system of coastal public accessways”) would be implemented, in part, through the acceptance of offers to dedicate public access (Objective C). Strategy 6, Objective C, is “fund operation and maintenance of accessways derived from OTDs”, and the proposed grant would do that for the Moat Creek/Ross Creek blufftop trail that was created when MCMA accepted the OTD in 1998.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the “Consistency with Conservancy's Enabling Legislation” section above.
2. **Consistency with purposes of the funding source:** See “Project Financing” above.

3. **Support of the public:** See Exhibit 3.
4. **Location:** The proposed project would be located on the shoreline of southern Mendocino County, accessible from State Highway 1.
5. **Need:** Continued operation of these accessways by the local community organization will require some modest financial support from the State.
6. **Greater-than-local interest:** See the “Consistency with Conservancy’s Enabling Legislation” section above.

Additional Criteria

7. **Urgency:** Continued maintenance and operation of the subject accessways requires cash expenditures that cannot be provided from local resources alone.
9. **Leverage:** See the “Project Financing” section above.
11. **Innovation:** Local nonprofit operation and management of coastal accessways is relatively rare. This project provides an opportunity to continue a successful example that should provide a useful model for other communities and increase the likelihood that more public access can be provided within limit public resources.
12. **Readiness:** The MCMA has been operating the subject accessways since 1998 and is ready to move ahead immediately with the necessary actions.
13. **Realization of prior Conservancy goals:** See “Project History” above.
15. **Cooperation:** This project is a cooperative public-private effort with significant public benefit.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Moat Creek and Ross Creek accessways, as well as the associated lateral trails, are consistent with the Shoreline Access section (Section 3.6) of the Mendocino County Local Coastal Program.

COMPLIANCE WITH CEQA:

The recommended action will consist of on-going operation and management of property that is already in use for the subject purpose, which is categorically exempt from review under CEQA pursuant to 14 California Code of Regulations Section 15301.

The original construction project, when approved by the Conservancy on September 17, 1998, was described as consisting entirely of minor alterations in the condition of land and vegetation and as such was determined to be categorically exempt from review under CEQA pursuant to 14 California Code of Regulations Section 15304. To the extent that the current recommended action will result in any physical effects, they will also consist only of minor alterations in the condition of land and vegetation that will not have any significant effect on the environment and thus are exempt under the same section. Following approval, Conservancy staff will file a Notice of Exemption.